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TO: Examiner: DOUGHERTY
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 10921.0268USWO

TELEPHONE: (612) 455.3800

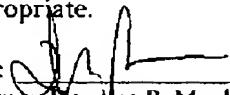
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Title of Document: **RESPONSE TO RESTRICTION REQUIREMENT (2 PAGES)**Applicant: SAKATA ET AL.
Serial No.: 10/519881
App. Filed: December 30, 2004
Group Art No.: 3736
Conf. No.: 7393

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Date225 SOUTH SIXTH STREET - SUITE 2050 - MINNEAPOLIS - MN 55402
TEL 612.455.3800 - FAX 612.455.3801
WWW.HSMLELLC.COM NAME 612.455.3800

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S/N 10/519,881

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SAKATA ET AL.	Examiner:	DOUGHERTY
Serial No.:	10/519,881	Group Art Unit:	3736
Filed:	DECEMBER 30, 2004	Docket No.:	10921.0268USWO
Title:	METHOD OF SETTING LANCING MEMBER TO LANCING DEVICE, LANCING DEVICE, AND CAM MECHANISM		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on January 16, 2009.

By: 

Name: Gina M. Dahl

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants elect Group II (claims 16 to 20) in response to the Restriction Requirement of December 19, 2008.

Applicants traverse the indication that a constructive election by original presentation might apply against claims 16-20. Claims 16-20 are directed to method claims. Method claims were included in the original claim set and examined on the merits in the first Office Action.

Page 2 of the Restriction Requirement contends that claims 16-20 "are drawn to a method including a first [sic – and?] a second housing causing a lancet and sensor to be supported together on a lancet holding portion", which was not part of the original examination. However, original claim 5, which depends from claim 4, which in turn depends from claim 3, essentially includes a feature of supplying a lancet and sensor from a first housing to a second housing, although the terminology has been revised for clarity. That is, the "housing" defined in

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PATENT

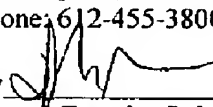
original claim 3 corresponds to the "second housing" in claim 16. The "sheath" defined in original claim 4 corresponds to the "first housing" in claim 16. The "analyzer" in original claim 5 corresponds to the "sensor" in claim 16, and claim 5 requires that the "analyzer" be attached to the lancing device, thereby providing the sensor holding required in claim 16. Therefore, Applicants respectfully contend that the examination of claims 16-20 in this application is proper.

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Respectfully submitted,

Hamre, Schumann,
Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
Phone: 612-455-3800

Date: January 16, 2009

By 
Name: Douglas P. Mueller
Reg. No. 30,300
Customer No. 52835